

**UNITED STATES OF AMERICA** )  
)  
**vs.** )  
)  
**OLGA RIQUELME GARZA (20),** )  
)  
**Defendant.** )  
)

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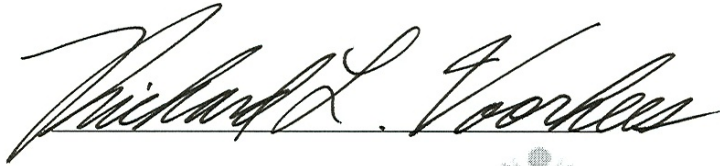
by the staff at Bryan Federal Prison Camp that due to financial constraints, the Bureau of Prisons cancelled the Boot Camp Program. Defendant argues that in light of this cancellation, her sentence has been prolonged and that due to these extraordinary and compelling circumstances, the Court should modify her sentence pursuant to 18 U.S.C. § 3582(c)(1)(i).

It is clear that a “court may not modify a term of imprisonment once it has been imposed except that – (1) in any case – (A) the court *upon motion of the Director of the Bureau of Prisons*, may reduce the term of imprisonment . . . after considering the factors set forth in section 3553(a) to the extent that they are applicable if it finds that – (i) extraordinary and compelling reasons warrant such a reduction.” 18 U.S.C. § 3582(c)(1)(i) (emphasis added). In the instant case, the Director of the Bureau of Prisons (“BOP”) has not moved for a reduction of Defendant’s sentence, thereby prohibiting this Court from making such modification.

Moreover, it is equally clear that the BOP, not the Court, has the full authority over the designation and substance abuse treatment of persons, including but not limited to the Boot Camp Program. *See* 18 U.S.C. § 4046; 28 C.F.R. § 524.31(b). Consequently, the BOP’s decision to discontinue the Boot Camp Program is within the discretion of the BOP and this Court cannot modify Defendant’s sentence based on the fact that the BOP removed Defendant’s access to the Boot Camp Program.

**IT IS, THEREFORE, ORDERED** that Defendant’s “Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(i) is hereby **DENIED**.”

**Signed: December 14, 2005**

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the text.

Richard L. Voorhees  
United States District Judge



